

Notice of Allowability

Application No.

10/616,296

Examiner

Jeffrey L. Gellner

Applicant(s)

BRAULT ET AL.

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to after-final amendment received 10 March 2007.
2. ☒ The allowed claim(s) is/are 4-16, 19, 20, 25 and 26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The prior art did not disclose or suggest a greenhouse comprising an exterior wall structure which includes primarily transparent panels allowing entry to an interior of natural light; a plurality of elongate benches located within the interior and arranged to provide support surfaces for supporting crop materials thereon for receiving the natural light and growing within the interior; in combination with an air handling system for conditioning the air within the interior including at least one air moving fan, at least one interior air intake, at least one interior air outlet, at least one exterior vent and at least one component for changing air temperature; the exterior wall structure including a first side wall and a second side wall opposite to the first side wall with each of the first and second side walls defined by a plurality of vertical posts at spaced positions along the length of the side wall defining equal spans between each of the plurality of vertical posts and the next with transparent panels arranged to substantially fill the span between the plurality of vertical posts; each bench having a bench support for the bench located underneath the bench; the benches being arranged at spaced positions along the first side wall such that each bench has one end adjacent said first side wall such that the bench and the bench support therefor each extend from the first side wall at right angles thereto toward the second side wall; each bench being associated with a respective one of the spans such that the number of spans is equal to the number of the plurality of benches and such that the bench support of each bench is located between the plurality of vertical posts of the associated respective one of the spans; wherein the air handling system consists of a plurality of separate air handling systems

Art Unit: 3643

each air handling system of the plurality of air handling systems being associated with a respective one of the benches of the plurality of benches and each air handling system of the plurality of air handling systems including a fan, at least one air intake below the respective bench of the plurality of benches and at least one air outlet above the respective bench of the plurality of benches.

Nor did the prior art disclose or suggest a greenhouse comprising an exterior wall structure which includes primarily transparent panels allowing entry to an interior of natural light; a plurality of elongate benches located within the interior and arranged to provide support surfaces for supporting crop materials thereon for receiving the natural light and growing within the interior; an air handling system for conditioning the air within the interior including at least one air moving fan, at least one interior air intake, at least one interior air outlet, at least one exterior vent and at least one component for changing air temperature; the exterior wall structure including a first side, a second side wall opposite to the first side wall a third side wall and a fourth side wall at right angles to the first and second side walls, with each of the side walls defined by a plurality of vertical posts at spaced positions along the length of the side wall defining equal spans between each of the plurality of vertical posts and the next with transparent panels arranged to substantially fill the span between the plurality of vertical posts; the benches being arranged at spaced positions along the first side wall such that each bench has one end adjacent said first side wall and extends therefrom at right angles thereto toward the second side wall, each bench being associated with a respective one of the spans between the plurality of vertical posts of said first side wall and arranged such that the number of spans is equal to the number of the plurality of benches; wherein the air handling system for conditioning the air

Art Unit: 3643

within the interior includes wiring and piping for supplying electrical power and air conditioning fluid for changing the air temperature; wherein each of the side walls includes a plurality of bottom non-transparent wall panels arranged in the span between each pair of the plurality of vertical posts, each non-transparent transparent panels; and a sill at the bottom of the transparent panels extending outwardly of the plurality of vertical posts; and wherein each of the plurality of non-transparent wall panels is located at a position spaced outwardly of outside surfaces of the plurality of vertical posts to define a channel inside the non-transparent wall panels and outside the plurality of vertical posts and below the sill for receiving said wiring and piping.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

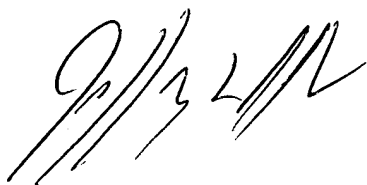
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey L. Gellner whose telephone number is 571.272.6887. The examiner can normally be reached on Monday-Friday, 8:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on 571.272.6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3643

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'J. L. Gellner', with a stylized flourish at the end.

Jeffrey L. Gellner
Primary Examiner
Art Unit 3643